

REMARKS

Claims 23-34 are pending. Claims 1-22 and 35-36 have been previously cancelled. Claims 23-25 and 32-34 are currently amended.

Claims 23 has been amended to recite that the bag is formed of materials that do not release significant amounts of volatile organic compounds (VOCs). Support of this limitation may be found in the last line on page 3 continuing onto line 1 on page 4 of the Specification as originally filed. Claim 24 has been amended to include a further limitation that the bag is made of materials that can be safely stored at the exit temperature of said process system. Support of this limitation may be found from line 30 of page 3 to line 4 on page 4 of the Specification as originally filed. Claim 25 has been amended to include a further limitation that the bag has a wall that consists of two layers with a vapor impermeable inner layer and a outer layer that is made of polymer. Support of this limitation may be found in the last paragraph of page 3 of the Specification as originally filed. Claim 32 has been amended to include a limitation that the bag has a wall that consists of an inner liner and an outer liner, wherein neither the inner liner nor the outer liner releases significant amounts of volatile organic compounds (VOCs). No new matter has been introduced by the present amendments.

Rejection Under 35 U.S.C. §102(b)

Claims 23-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,930,906 to Hemphill (“Hemphill”). Applicant respectfully traverses the rejection.

To anticipate a claim, a prior art reference must teach every element of the claim and “the identical invention must be shown in as complete detail as contained in the ... claim.” *MPEP 2131* citing *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989). The Examiner carries the initial burden to show that all claim limitations have been taught in a single reference.

With respect to Claim 23, Applicant recognizes that the Examiner's official notice that aluminum foil is a material that does not release significant amounts of volatile organic compounds (VOCs). However, Claim 23, as currently amended, requires that, all materials from which the bag is made, do not release significant amounts of volatile organic compounds (VOCs). The bag disclosed in Hemphill is "formed with a multiply construction and having an internal layer of a heavy gage deformable aluminum foil, an intermediate layer formed by a puncture resistant polyethylene sheet, and an outer layer formed by an insulating paper material." Hemphill, lines 62, Col. 1 to line 1, Col. 2. This language indicates that the Hemphill bag is made of at least three different materials. The outer insulating paper layer is specifically included to "protect[s] an individual from being burned by the hot grease." Hemphill, lines 26-28, Col. 4.

Even if we assume that the heavy gage deformable aluminum foil and the puncture resistant polyethylene sheet in Hemphill do not release significant amounts of VOCs, one can not be certain that the third material, namely, the insulating paper material also does not release significant amounts of VOCs. There is no teaching in Hemphill that the insulating paper material does not release significant amounts of VOCs. If the Examiner insists that the bag in Hemphill is made of materials that do not release significant amounts of VOCs, Applicant respectfully requests that the Examiner point out where in Hemphill this is taught. Since Hemphill does not specify what kind of insulating paper material is to be used, even if there is one type of insulating paper material that may release significant amounts of VOCs, Hemphill fails to teach every limitation of the present claim and does not anticipate Claim 23.

Amended Claim 24 recites a bag formed by materials that can be safely stored at the exit temperature of the process system. Hemphill teaches an outer layer made of an insulating paper material. However, since Hemphill does not specify the temperature range such a paper material can withstand, one can only speculate as to whether such a paper material can withstand the exit temperature of the process system. Thus, Hemphill does not teach every limitation of the amended claim 24 and does not anticipate the same.

With respect to Claim 25, the current amendment adds a limitation that the bag has a wall that consists of two layers, with a vapor impermeable layer on the inside and polymer on the outside. As discussed above, the Hemphill bag contains at least three layers and is thus distinguishable from the bag of Claim 25.

Claim 32, as amended, recites a bag having a wall consisting of an inner liner and an outer liner, wherein said inner liner and outer liner do not release significant amounts of volatile organic compounds (VOCs). For the same reason as discussed in the previous paragraph, since the Hemphill bag has a wall that contains at least three layers, Hemphill does not anticipate the present claim.

Claims 26-31, 33-34 all depend directly or indirectly on Claims 23, 24, 25 or 32 and necessarily incorporate all the claim limitations of these claims.

With these amendments, Applicant believes that all claims are in position for allowance and is respectfully seeking the same. Should the Examiner believe that any issues remain outstanding, the Examiner is requested to call Applicant's undersigned attorney in an effort to resolve such issues and advance this application to issue.

Respectfully submitted,
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